



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2302540
Applicant Name: Adam Rawson
Address of Proposal: 9450 22nd Avenue SW

SUMMARY OF PROPOSED ACTION

Master Use Permit to change the use of an existing daycare center in a single family 5000 zone to a private school. No changes to the structure are proposed. Parking for 16 cars will remain. A variance request to locate a private school less than 600 feet from another institution.

The following approvals are required:

Administrative Conditional Use - To allow an institution in an SF 5000 zone.
(Seattle Municipal Code Chapter 23.44.022)

Variance – to allow an institution less than 600 feet from another institution.
(Seattle Municipal Code Chapter (SMC) 23.40.020)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The subject property is located at 9450 22nd Avenue SW within a Single Family 5000 zone (SF 5000). There is one existing building, a daycare center, parking and playgrounds on the site. The buildings have been in use as a child care facility since 1973.

Properties in all directions are zoned Single Family 5000 (SF 5000).

Proposal Description

The proposal is to change the use of an existing daycare center in a single family 5000 zone to a private school (West Seattle Community School). No changes to the structure are proposed. Parking for 16 cars will remain. The applicant is requesting a variance to locate a private school less than 600 feet from another institution, a church.

Public Comment

No comment letter was received during the official public comment period, which ended August 27, 2003.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE GENERAL PROVISIONS (SMC 23.44.018)

- A. *Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process shall be used to authorize these uses;*

The Land Use Code allows private schools as an institutional use allowed through the Administrative Conditional Use approval process.

- B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright;*

This proposal is subject to development standards SMC 23.44.008 through 23.44.016.

- C. *A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located;*

This decision shall be based on whether the proposed use meets the development criteria and conditional use criteria as described in SMC 23.44.022 A through M. A daycare

center has operated at this location since 1976. The City recognizes the public benefit that institutions, such as these have made by providing educational and cultural opportunities to their communities. The criteria for this change of use shall be examined, and the project will be conditioned if necessary to prevent detriment or injury to property in the vicinity.

- D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located;*

The criteria described in SMC 23.44.022 A through M is used to evaluate the proposal and condition, if necessary, to protect other properties and the public interest.

- E. Any use which was previously authorized by a conditional use permit but which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit.*

The use at this site has been discontinued. A new use is proposed.

- F. Minor structural work which does not increase usable floor area or seating capacity and does not exceed the development standards applicable to the use shall not be considered an expansion, unless the work would exceed the height limit of the zone for uses permitted outright.*

No expansion is proposed with this application.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)

The Seattle Land Use Code (SMC 23.44.022 A) provides that institutions such as private schools may be permitted as conditional uses in single family zones. Sections 23.44.022D through M set forth criteria to be used to evaluate and/or condition the proposal. The applicable criteria are discussed below.

- D. General Provisions*

New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.

According to the plans submitted with the application, the proposal meets the applicable development standards enunciated in Section 23.44.008 through 23.44.016.

E. Dispersion

The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.

The proposal does not meet the dispersion requirement. The lot line of this property is less than 600 feet from another institution, a church. In 1973 the daycare center was permitted by Principal Conditional Use. The only condition was that the maximum number of children would be 106. The applicant is asking for a variance from this criteria. The school is approximately 135 feet south of the Kingdom Hall Church. It is also approximately 220 feet west of the Holy Family Parish. The proposed school is on the corner of 22nd Avenue SW and SW Roxbury. SW Roxbury is a busy arterial which is a significant interruption in the surrounding single family neighborhood. Therefore the Director determines that the arterial is significant enough to provide appropriate separation from other institutions. Three single family homes are between the Kingdom Hall Church and the proposed school. There has been an institutional use at this site from 1973 to 2003. The Kingdom Hall Church was built in 1975 shortly after the former Day Care Center. The two institutions were in operation for approximately 25 years. The applicant has applied for a variance from the administrative conditional use criteria of dispersion for the Kingdom Hall Church. The variance analysis follows.

F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking.

No demolition of residential structures is proposed for parking; therefore, this criterion is not applicable.

G. Reuse of Existing Structures

Existing structures may be converted to institution use if the yard requirements for institutions are met.

The proposal is for a change of use of the existing structure. The proposed school building was permitted in 1973 as a daycare center in a single family 5000 zone. It was in operation until early 2003. This new proposal does not anticipate any expansion of the building, but to put it back into use as a school. The yard requirements are met.

H. Noise and Odors

For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational

area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

The proposed change of use in the single family zone is not expected to generate increased noise or odors. None of the activities proposed as part of the typical, non-emergency use of the site will exceed the maximum permissible sound levels as established and modified in the SMC Chapter 25.08. Parking and circulation is screened from bordering neighbors. Play areas currently exist and are not expected to create more noise. The play areas will be used intermittently during the day. The center closes at 3:00 p.m. so there will be no evening play area activities

I. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

The overall landscape design will buffer the facility from adjacent residences and help integrate the building into the single family residential neighborhood. The proposal includes shade trees, shrubs and flowering plants. Stormwater runoff will be directed away from pedestrian and play areas, ground cover and impervious surfaces will help control erosion. The building was designed to reduce the appearance of bulk with modulated facades, and with single family height scale in mind. The 22nd Avenue façade has modulation; architectural features and landscaping that minimize the appearance of bulk. The proposal includes a mixture of coniferous and deciduous trees and shrubs

J. Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

All exterior lighting will direct light downward to minimize light and glare on neighboring properties.

K. Bulk and Siting

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

- a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.*

The building is existing.

- b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures.*

The proposal includes architectural features that help it to integrate in bulk and scale with the surrounding single family neighborhood. The setback requirements are met. The 22nd Avenue façade is modulated and has landscaping to create architectural interest and variety.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The proposal meets this requirement.

3. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

This provision is not applicable.

4. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The proposed structure includes façade modulation, roof line variation, landscaping and variation in fenestration to minimize the appearance of bulk. No further mitigation is required.

L. *Parking and Loading Berth Requirements*

SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section. The modification shall be based on adopted City Policies and shall:

The existing 16 parking spaces will be retained. A loading space is designated on the plans. The proposal meets parking requirements.

M. Transportation Plan

A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces.

A transportation plan has been submitted and reviewed in this analysis. A small transportation information center will be required to be installed in the building to give employees and clients up-to-date information on available nearby transportation, carpool groups and ride share options.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **APPROVED WITH CONDITIONS** as indicated at the end of this document.

ANALYSIS - VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section [23.40.020](#) and quoted below are met.

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The location of this property is a limiting factor. The existing vacant daycare building is located too close to another institution to meet dispersion criteria. However, the building was built as a daycare center in 1973 and not converted from a single family house. The location and structure type are not conditions created by the applicant. The best use of this structure is another institution. Otherwise, strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The request does not go beyond the minimum necessary.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

Policy intent for dispersion requirements includes relief from institutional use for the surrounding neighborhood. The property has been in use as an institution for 30 years and the change of use is initiated by the land use code for appropriateness of use in the area. The total enrollment will be fewer than the 106 children allowed by the previous permit. The school hours will be fewer than the day care hours. School hours will be approximately 7 a.m. to 3 p.m. while the daycare hours were 6 a.m. to 6 p.m. Schools, in general contribute to a community by providing educational opportunity to families who might not otherwise be able to afford private education. Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The existing structure is suitable only for commercial or institutional uses. The building is currently vacant. There is strong community support for a school. Strict application of the dispersion criterion would leave the property unused and deprive the community of a new school option.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

A community school is an appropriate use of this site. The applicant has found a suitable empty structure to put back into use for families in the area. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

DECISION – VARIANCES

The requested variance is **APPROVED**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

For the Life of the Project

1. A transit information center will be established on site to encourage patrons and employees to use transit alternatives.

Signature: _____ (signature on file) Date: December 4, 2003
Holly J. Godard, Land Use Planner
Department of Planning and Development

HJB:bg

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